

HOUSE No. 529

By Mr. Quinn of Dartmouth, petition of John F. Quinn and others relative to the compensation of teachers. Public Service.

The Commonwealth of Massachusetts

PETITION OF:

John F. Quinn
Patricia D. Jehlen

Stephen R. Canessa
James B. Eldridge

In the Year Two Thousand and Five.

AN ACT RELATIVE TO THE RECRUITMENT, RETENTION AND PORTABILITY OF TEACHERS IN THE COMMONWEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1: Section 1 of Chapter 32 of the General Laws, as
2 appearing in the 2002 Official Edition, is hereby amended by
3 striking the first paragraph in the definition of “Regular compen-
4 sation” and adding the following paragraph:—
5 “Regular compensation”, during any period prior to January
6 first, nineteen hundred and forty-six, shall mean the full salary,
7 wages or other compensation in whatever form, lawfully deter-
8 mined for the individual service of the employee by the
9 employing authority, from which regular deductions were made
10 pursuant to the provisions of chapter thirty-two applicable from
11 time to time prior to such date; provided, that if the amount of
12 such salary, wages or other compensation has been reduced or
13 increased during any such period as a general temporary adjust-
14 ment due to the cost of living or to other economic conditions, and
15 if the board has received from the appropriate authority a written
16 notice of such fact or if the board is satisfied of such fact after an
17 investigation which it shall make prior to July first, nineteen hun-
18 dred and forty-six, or which it shall make thereafter and not later
19 than six months after a system becomes operative for the

20 employees of any governmental unit, such amount shall, for the
21 purpose of any computations made under the provisions of sec-
22 tions one to twenty-eight, inclusive, involving the use of an
23 annual or an average annual rate of regular compensation during
24 any such period, but not for the purpose of affecting any regular
25 deductions already made, remain unaffected by such general tem-
26 porary adjustment. "Regular compensation", during any period
27 subsequent to December thirty-first, nineteen hundred and forty-
28 five, shall mean the salary, wages or other compensation in what-
29 ever form, lawfully determined for the individual service of the
30 employee by the employing authority, not including bonus, over-
31 time, severance pay for any and all unused sick leave, early retire-
32 ment incentives, temporary or non-permanent salary
33 enhancements or augmentations, except those salaries payable
34 under the terms of an annual contract for additional services or
35 any other payments made as a result of giving notice of retire-
36 ment, but including evaluated maintenance as provided for in
37 paragraph (c) of subdivision (1) of section twenty-two, and
38 including any part of such salary, wages or other compensation
39 derived from federal grants except as provided in clause (xi) of
40 paragraph (a) of subdivision (2) of section three; provided, that
41 during any period subsequent to June thirtieth, nineteen hundred
42 and forty-eight, salary, wages or other compensation payable in
43 the form of cost of living bonuses and cost of living pay adjust-
44 ments shall be included in such term. In the case of a teacher
45 employed in a public day school who is a member of the teachers'
46 retirement system, salary payable under the terms of an annual
47 contract for additional services in such a school and also compen-
48 sation for services rendered by said teacher in connection with a
49 school lunch program or for services in connection with a pro-
50 gram of instruction of physical education and athletic contests as
51 authorized by section forty-seven of chapter seventy-one shall be
52 regarded as regular compensation rather than as bonus or overtime
53 and shall be included in the salary on which deductions are to be
54 paid to the annuity savings fund of the teachers' retirement
55 system. In the case of police officers, firefighters and employees
56 of a municipal department who are employed as fire alarm signal
57 operators or signal maintenance repairmen, money paid for holi-
58 days shall be regarded as regular compensation rather than as

59 overtime and shall be included in the salary on which deductions
60 are to be paid to the annuity savings fund. Regular compensation
61 shall also include all premiums paid by any governmental unit for
62 the purchase of an individual or group annuity contract as autho-
63 rized by section eighteen A of chapter fifteen or section thirty-
64 seven B of chapter seventy-one. Regular compensation shall also
65 mean compensation received by any member having made the
66 election provided for in section ninety G¹/₂ or section ninety G³/₄
67 and serving after age seventy pursuant to section ninety F,
68 ninety G or ninety H.

1 SECTION 2. Paragraph (m) of subdivision (1) of Section 5 of
2 said Chapter 32, as appearing in the 1996 Official Edition, is
3 hereby amended by striking out the word “ten” in lines 186 and
4 189 and inserting in place thereof the word “five”.

1 SECTION 3. Paragraph (b) of subdivision (2) of Section 10 of
2 said Chapter 32, as appearing in the 1996 Official Edition, is
3 hereby amended by striking out the word “six” in line 74 and
4 inserting in place thereof the word “five”.

1 SECTION 4. Paragraph (b¹/₂) of said subdivision (2) of said
2 section 10 of said Chapter 32, is hereby amended by striking out
3 the word “ten” in line 94 and inserting in place thereof the word
4 “five”.

1 SECTION 5. Paragraph (a) of subdivision (1) of section 11 is
2 hereby amended by adding after the words “For any such
3 member” in lines 9, 13, the following words “except members of
4 the teachers’ retirement system and teachers in the city of Boston
5 retirement system,” and by adding after the words “Any other
6 member” in line 19 the following words “except members of the
7 teachers’ retirement system and teachers in the city of Boston
8 retirement system,” and is further amended by adding after the
9 fourth sentence the following “Any member of the teachers’
10 retirement system or a teacher in the city of Boston retirement
11 system entitled to a return of his accumulated total deduction shall
12 receive one hundred percent of the regular rate of interest payable.

1 SECTION 6. Clause (vi) of paragraph (b) of subdivision (1) of
2 section 22 is hereby amended by striking out the words “11 per
3 cent” and inserting in place thereof the words “8.5 per cent”.

1 SECTION 7. Paragraph (b) of subdivision (6) of section 22 is
2 hereby amended by adding at the end thereof the following sen-
3 tence: For any calendar year beginning subsequent to December
4 thirty-first, two thousand and four, “regular interest for members
5 of the teachers’ retirement system and teachers who are members
6 of the City of Boston retirement system, shall mean interest cred-
7 ited at a rate of one half the actuarial assumed rate of investment
8 return for the teachers’ retirement system. The rate shall be taken
9 to the nearest tenth of one per cent.

1 SECTION 8. The provisions of section 1 and section 6 shall be
2 effective as of July 1, 2006.